



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE

The motion for a stay pending appeal (Doc. 119) is deemed withdrawn. The Clerk of Court is respectfully requested to terminate the pending motion (Doc. 119).

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 22, 2021

VIA ECF

Hon. Philip M. Halpern, United States District Judge
Southern District Of New York
500 Pearl Street
New York, New York 10007

Re: *Greens at Chester LLC v. Town of Chester, et al.*,
Docket No.: 19-cv-06770

Dear Judge Halpern:

I write on behalf of the New York State Office of the Attorney General ("NYAG"), the Intervenor-Plaintiff in the above-referenced matter. Consistent with Your Honor's February 10, 2021 order (ECF No. 186), the NYAG and Plaintiff Greens at Chester, Defendants Town of Chester, James M. Farr, Robert Valentine, Alexander J. Jamieson, Steven M. Neuhaus, and County of Orange submit this joint report regarding pending motions before the Court.

It is the NYAG's and Plaintiff's position that the pending motions at sequence number 83 is moot by reason of the Second Circuit's dismissal of the Town Defendants' interlocutory appeal. The NYAG and Plaintiff do not believe decisions on pending motions at sequence numbers 102, 115, 119, and 130 are necessary. The NYAG and Plaintiff have no position on the County's pending motion at sequence number 85 and concur with the Town Defendants' withdrawal of the pending motion at sequence number 119.

Pursuant to the Court's order at Docket No. 186 below, the Town Defendants offer the following input:

The Town respectfully requests pending motions at sequence No. 83 and No. 115 should be held open pending the Court's action on the anticipated proposed Consent Decree ("CD") to be submitted by the Plaintiff and the Town as these motions are expected to be addressed in the CD. To the extent the Town's motion at sequence No. 83 adopts and incorporates the County's motion and/or arguments therein at sequence No. 85 as to the Intervenor Plaintiff, the Town respectfully requests that motion be held open because the Town is continuing settlement discussions with the Intervenor Plaintiff pursuant to this Court's referral to the Hon. Paul Davison, U.S.M.J. which is scheduled for a further conference on March 10, 2021.



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The Town respectfully submits that pending motion at sequence No. 119 should be deemed withdrawn.

The Town respectfully takes no position regarding pending motions at sequence Nos. 102 and 130.

For the County's motion (Sequence 85), it concurs with the Town. That motion should be kept open as settlement discussions are still ongoing, but not concluded, with the Intervenor-Plaintiff. As the motion is both dispositive and deals with the still-existing claims, it should be held open until such time as either a settlement is consummated or the parties indicate they will proceed with discovery.

Thank you for your consideration.

Respectfully Submitted,

/s/ Joel Marrero

Joel Marrero
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Cc: All Counsel via ECF